

**REMARKS/ARGUMENTS**

Claims 30-50 remain in the application for further prosecution. Claims 1-29 have been canceled without prejudice. Claims 30-50 have been added.

**§103 Rejections**

Claims 1, 2, 5, 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,050,895 (“Luciano”), in view of U.S. Patent No. 6,045,446 (“Oshima”) and U.S. Patent No. 5,435,554 (“Lipson”).

Claims 3-6, 8-14, and 16 to 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano, Oshima, and Lipson in view of U.S. Patent No. 6,308,565 (“French”).

Claims 1, 8, 15, 22 and 24 to 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano in view of Bourg (“Physics for Game Developers,” by David M. Bourg, © 2002 O’Reilly and Associates, Inc., hereafter referred to as “Physics”) and the Power Drive Rally (“Power Drive Rally” video game for the Atari Jaguar™ game system, © 1994 Atari Corporation, manual downloaded Oct. 26<sup>th</sup>, 2006 from [www.replacementdocs.com](http://www.replacementdocs.com), hereafter referred to as “Power Drive”).

Applicant has added the new claims to more clearly describe the present invention. Independent claims 30 and 40 are directed generally toward a method and a system that stores simulation rule data and physical object data. The physical object data defines physical objects while the simulation rule data defines rules of a simulated world that affect the physical objects. Based on the physical object data and the simulation rule data, actions of the physical objects are simulated within the simulated world to randomly select a simulated outcome from a plurality of possible simulated outcomes according to a predetermined outcome probability distribution. The actions and simulated outcome are graphically rendered. An award is provided if the selected simulated outcome represents a winning condition.

As previously stated, the rejections in the Final Office Action improperly combine three or four different references most of which are not in the wagering game art. The combination of such references constitutes impermissible hindsight using the present claims as a blueprint.

However, even with the combination of references, various elements of the new claims are not disclosed or suggested in the cited combinations. The physical object data and simulation rule data are the basis for simulating actions of physical objects in a simulated world to randomly select a simulated outcome. For example, the simulation rule data may include parameters describing how a simulated object works within a simulated game world to provide an entertaining activity for wagering. Achieving a winning condition involves minimal player control because the winning condition is predominantly determined by random chance such as the bounce of a roulette ball, the identity of a playing card from a shuffled deck, or the running of a racing horse. This concept is neither disclosed nor suggested in the references of record.

**A. The Combination of Luciano and Other Cited References Does Not Randomly Select A Simulated Outcome Based On The Actions of Physical Objects Within A Simulated World**

New claims 30 and 40 require that the actions of the physical objects are simulated within the simulated world to randomly select a simulated outcome from a plurality of possible simulated outcomes according to a predetermined outcome probability distribution. New claims 30 and 40 are allowable over the combination of Luciano and any of the other references. A combination of Luciano with any or all of the cited references would not result in a system or method that randomly selects a simulated outcome according to a predetermined outcome probability distribution. Luciano discloses a random wagering game (slots) that does not rely on the actions of physical objects within a simulated world to randomly select a simulated outcome. The second game in Luciano involves player interaction such as a player controlling a simulated

two dimensional golf club. The results of the second game are used to determine potential awards or number of plays of the first traditional wagering game in Luciano. The two dimensional objects in Luciano affected by simulation rule data relate to dexterity/skill games which require player input (i.e., via a joystick, buttons, etc.) to manipulate a two dimensional object to determine the game outcome. The game outcome in the second Luciano game does not depend on simulating actions of the physical objects within a simulated world to randomly select a simulated outcome. At best, the combination of Luciano with all of the other references would provide a three-dimensional display of a game relying solely on player skill to determine either activation or awards in a separate random outcome wagering game. Such a combination would not base the random selection of an outcome on the actions of physical objects within a simulated rule world.

In other words, claims 30 and 40 do not relate to games of pure skill, rather they relate to wagering type games wherein, based on physical object data and simulation rule data, random game outcomes are determined by the actions of physical objects within the simulated world according to a predetermined outcome probability distribution. The combinations asserted by the Final Office Action also do not anticipate a randomly selected game outcome because all of the other references relate to games involving player manipulation of physical objects modeled with physical data to achieve a winning outcome. To the extent the references use simulation rule data, all of the rule data relates to simulation rules for player control of the objects because they are games of skill. Such simulation rules do not result in a predetermined outcome probability distribution that is based on simulated actions of physical objects within the simulated world.

For example, the factors such as engine power in Power Drive and range of error introduced by Lipson only relate to objects (car or batted ball) that achieve an outcome under a player's control and not a randomly selected outcome. The Final Office Action disputes that the previous claims relate to a randomly selected winning outcome by citing an example from the Applicant's specification that includes card games. (p. 20). The Final Office Action and Advisory Action appear to assert that card games are purely games of skill. The cited example in the specification does not establish that the skill components of a card game make randomly selected outcomes from the simulated action in a simulated world obvious. Controlling when a card is to be dealt may constitute a player controlled event as in Blackjack or Poker that involves skill, but the value of the card that is dealt to the player is a randomly selected outcome. The skill factor in such games does not include a player determining the value of the card or cards to be dealt. In fact the random selected outcome (chance) component of such games is the unknown value of a card before it is revealed to the player. The new claims relate to the aspects of a three dimensional card simulation game which display such random outcomes (the value of the card dealt) based on the cards being shuffled (simulated actions of physical objects) and the simulation rule data (the value of the card when landing turned up being limited to cards which have not been revealed) according to a predetermined probability (potential outcomes of the deck). A player would not exercise any skill in the random outcome of the card that is dealt from the deck.

Thus, none of the references, taken alone or in combination, disclose or suggest that, based on physical object data (defining physical objects) and the simulation rule data (defining rules of a simulated world that affect the physical objects), actions of the physical objects within the simulated world are simulated to randomly select a simulated outcome from a plurality of

possible simulated outcomes according to a predetermined outcome probability distribution as in new claims 30 and 40.

**B. New Claims 35 and 45 Are Allowable As Requiring A 3D Processor**

Applicants have also added new claims 35 and 45 to include the use of a separate 3D processor to receive the simulation rule data and the physical object data from a central processor and then simulate and render the actions and simulated outcome on the display. The Final Office Action has cited Luciano, Oshima and Lipson in combination with French against canceled claim 4 which had previously included the element of a 3D processor. (pp. 6-7). The combination of French with Luciano, Oshima and Lipson is an example of an improper combination of multiple references using the present claim as a template. Even this combination of four references does not anticipate the use of a 3D processor coupled to the central processor to receive the simulation rule data and the physical object data from a central processor and then simulate and render the actions and simulated outcome on the display.

French relates generally to modeling players in a sports setting and is thus inapplicable for the same reasons explained above as to why Oshima would not be combined with Luciano. The Final Office Action has asserted that French discloses simulating forces encountered by the athlete in real playing conditions. However, such forces would be classified as physical object data such as natural forces of snow, mud and other physical environmental factors. There is no disclosure of simulation rule data and physical object data in French. Further none of these references discloses the use of a specialized 3D processor to receive the simulation rule data and the physical object data from the central processor and then simulate and render the actions and simulated outcome on the display as now in these new claims.

**C. New Claims 36 and 46 Are Allowable As Requiring Common Rule Data**

Applicant has also added claims 35 and 46 which include the element that the simulation rule data includes common rule data applicable to different types of wagering games such that the 3D processor need not be updated with the common rule data for the different types of wagering games. None of the references cited by the Examiner disclose these elements. All of the simulation game references would require updating of the 3D processor because all of the game data would be distinct for a new game.

**D. New Claims 37 and 47 Are Allowable Because They Require Prior Selection Of The Simulated Outcome**

New claims 37 and 47 require that the simulating and the rendering of the physical objects occur in part simultaneously but the simulated outcome is selected prior to the actions being rendered. This is a unique feature of three dimensional simulation wagering games in that the outcome may be determined prior to the graphic rendering of the actions. In skill based games as in the cited references, the opposite occurs - the outcome is determined as the actions are graphically rendered based on player control of the objects. New claims 37 and 47 are therefore allowable over the references of record.

**E. New Claims 38-39 and 48-49 Are Allowable As Including Different Factors For The Random Selection of Outcomes**

New claims 38 and 48 require that the simulating commences from a randomly chosen initial condition. New claims 39 and 49 require that the simulating includes influencing the actions with a random variable. These claims are allowable over the cited references because none of the cited references disclose introducing random initial conditions or random variables to change the actions of the physical objects.

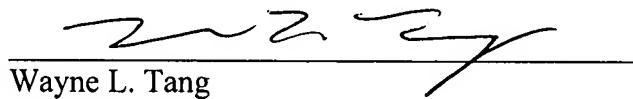
**Conclusion**

It is the Applicants' belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,

Date: September 13, 2007

  
Wayne L. Tang  
Reg. No. 36,028  
NIXON PEABODY, LLP.  
161 N. Clark Street., 48<sup>th</sup> Floor  
Chicago, Illinois 60601-3213  
(312) 425-3900  
Attorney for Applicants